

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PRINCE BROWN, JR.	§	
VS.	§	CIVIL ACTION NO. 2:06cv383
DIRECTOR, TDCJ-CID	§	

ORDER

On September 18, 2006, Petitioner filed this application for writ of habeas corpus. The case was referred to the undersigned for findings of fact, conclusions of law, and recommendations for disposition pursuant to 28 U.S.C. § 636(b).

On January 8, 2007, this Court ordered Respondent to respond and show cause why the relief prayed for should not be granted. On March 15, 2007, Petitioner filed a “motion to subpoena the transcript in the forfeiture.” Petitioner wants this Court to order the state court to file with this Court a transcript of a case that he claims is intertwined with the underlying conviction he is challenging.

Indigent petitioners seeking collateral relief do not have unlimited access to trial transcripts; a district judge may order the transcript to be paid for by public funds if the petitioner demonstrates that his claim is not frivolous and that the transcript is needed to decide the issue presented. *United States v. MacCollom*, 426 U.S. 317, 326 (1976). Petitioner has not shown that the transcript is

needed to decide the issue presented. Accordingly, this Court

ORDERS that Petitioner's motion to subpoena the transcript in the forfeiture (Dkt. #11) is

DENIED.

SIGNED this 3rd day of April, 2007.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE